

**REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-4, 6-9, 11, 15, 18, and 20-26 were pending in the application, of which Claims 1, 6, 11, 15, 18, and 22 are independent. In the Final Office Action dated October 3, 2003, Claims 1-4, 6-9, 11, 15, 18, and 20-26 were rejected under 35 U.S.C. §103(a). Claims 1-4, 6-9, 18, and 22 remain in this application. Applicant hereby addresses the Examiner's rejections in turn.

I. Amendments to the Drawings

Subject to the approval of the Examiner, it is proposed to substitute FIG. 7 with the attached substitute FIG. 7. Applicant respectfully submits that substitute FIG. 7 adds no new matter.

II. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Final Office Action dated October 3, 2003, the Examiner rejected Claims 1-4, 6-9, 11, 15, 18, and 20-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,134,667 ("Suzuki") in view of U.S. Patent No. 4,085,594 ("Mayer"). Claims 1, 6, 18, and 22 have been amended, and Applicant respectfully submits that these amendments overcome this rejection and add no new matter. Dependent Claims 4 and 9 have been amended to place them in better form for consideration. Claims 5, 10-17, 19-21, and 23-26 have been cancel without prejudice or disclaimer.

Claim 1 is patentably distinguishable over the cited art in that it recites, for example, a controller configured to cause a processor to execute processing which

includes data withdrawal when the temperature detected by the first temperature sensor exceeds a predetermined value, and to cause a power source to be turned off after the processor executes the processing which includes the data withdrawal. Claims 6, 18, and 22 include similar recitations.

In contrast with amended Claim 1, and as admitted by the Examiner, *Suzuki* at least does not teach or suggest a controller configured to cause a processor to execute processing which includes data withdrawal when the temperature detected by the first temperature sensor exceeds a predetermined value, and to cause a power source to be turned off after the processor executes the processing which includes the data withdrawal. For example, the Examiner admitted that *Suzuki* does not disclose power shutoff based on the temperature nor power supply temperature detection.

Furthermore, *Mayer* does not overcome *Suzuki*'s deficiencies. For example, the Examiner asserts on page 3 of the Office Action that "*Mayer* discloses a fan control system, wherein shutoff of power based on exceed temperature is provided (column 4, lines 21-25)." However, *Mayer*'s system does not cause a processor to execute processing which includes data withdrawal when the temperature detected by the first temperature sensor exceeds a predetermined value, and to cause a power source to be turned off after the processor executes the processing which includes the data withdrawal, as recited in amended Claim 1. Rather, *Mayer*'s system merely shuts off power being supplied to a motor for fan A when a coolant temperature continues to fall and reach a level for which no cooling action by fan A is required, but does not execute data withdrawal. Clearly, *Mayer*'s system is not directed toward avoiding destruction of data/elements and safely controlling the system. Like *Suzuki*, *Mayer* at least does not

teach or suggest a controller configured to cause a processor to execute processing which includes data withdrawal when the temperature detected by the first temperature sensor exceeds a predetermined value, and to cause a power source to be turned off after the processor executes the processing which includes the data withdrawal.

In short, combining *Suzuki* with *Mayer* would not have led to the claimed invention because *Suzuki* and *Mayer*, either individually or in combination, at least do not disclose or suggest a controller configured to cause a processor to execute processing which includes data withdrawal when the temperature detected by the first temperature sensor exceeds a predetermined value, and to cause a power source to be turned off after the processor executes the processing which includes the data withdrawal, as recited by amended Claim 1. Independent Claims 6, 18, and 22 include similar recitations. Accordingly, independent Claims 1, 6, 18 and 22 patentably distinguish the present invention over the cited art, and Applicant respectfully requests withdrawal of the rejection of Claims 1, 6, 18 and 22.

Dependent Claims 2-4 and 7-9 are also allowable at least for the reasons set forth above regarding independent Claims 1 and 6, and by virtue of their respective dependencies upon independent Claims 1 and 6. Accordingly, Applicant respectfully requests withdrawal of the rejection of dependent Claims 2-4 and 7-9.

### III. Conclusion

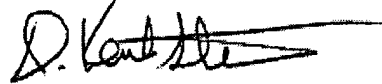
In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the

Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.



Dated: January 5, 2003

By: \_\_\_\_\_  
D. Kent Stier  
Reg. No. 50,640  
(404) 653-6559



# REPLACEMENT SHEET

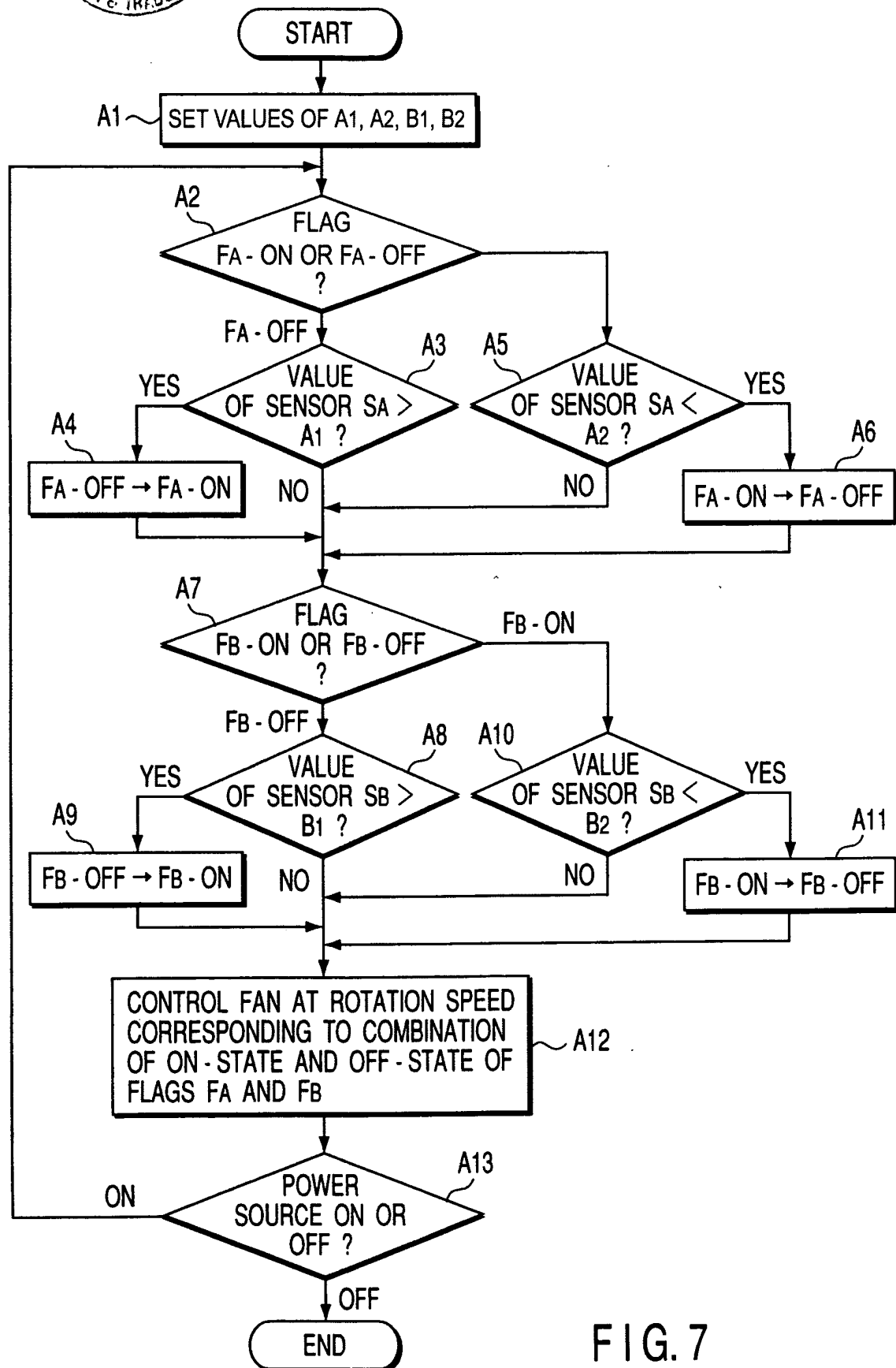


FIG. 7